

Exhibit 1



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May 9, 2014

Randall Garteiser
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Christopher J. Higgins
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Re: *Blue Spike, LLC v. Audible Magic Corporation, et al.*, 6:12-cv-576 (E.D. Texas)

Dear Randall:

I write to address the deficiencies in Blue Spike, LLC's, Blue Spike, Inc.'s, and Scott Moskowitz's document productions. To date, Audible Magic has received a document production from only Blue Spike, LLC, which includes only three categories of documents: 1) publicly available documentation on certain defendants' products; 2) license agreements; and 3) less than 100 pages of emails from Scott Moskowitz at the DICE Company generally related to his efforts of promoting the Argent software. Missing from Blue Spike, LLC's production is any information related to Audible Magic's counterclaims. And there has been no document production from either Blue Spike, Inc. or Scott Moskowitz. The Eastern District of Texas Local Rules are clear that "a party is not excused from responding to discovery because there are pending motions to dismiss..." CV-26(a). Accordingly, the three Blue Spike related parties have no excuse for not producing all documents relevant to Audible Magic's counterclaims, including without limitation, the following categories:

- All documents related to the Giovanni Abstraction Machine.
- All documents related to the prosecution of the Blue Spike patents-in-suit, including prior art, drafts of applications and office action responses, and any communications related to any applications or issued patents.
- All documents and files related to the Blue Spike website (www.bluespike.com).
- All documents related to the formation of and business practices of Blue Spike, Inc. and Blue Spike, LLC, including corporate structure, employees, products, investors, financial data, and customers.
- All documents related to the dissolution of the DICE Company.
- All documents related to Marc Cooperman, including all documents produced and filed in the lawsuits between Marc Cooperman and Scott Moskowitz.

Randall Garteiser
May 9, 2014
Page 2

- All documents related to Audible Magic Corporation.
- All documents related to Muscle Fish, LLC.
- All communications between Scott Moskowitz and any third parties regarding the patents-in-suit, the Giovanni Abstraction Machine, Audible Magic Corporation, or Muscle Fish, LLC.

Although the local rules in the Eastern District of Texas contemplate that parties may engage in rolling production of documents, we find it particularly troubling that Blue Spike has produced zero documents in any of these categories. And given the scope of Blue Spike, LLC's claims and Audible Magic's counterclaims, there should be very few, if any, documents in Blue Spike, LLC's or Blue Spike, Inc.'s possession, custody, or control that are not relevant to this action. Similarly, any communications or documents authored by or received by Scott Moskowitz that relate to the DICE Company, Blue Spike, Inc., Blue Spike, LLC and any other business entity he established between 1990 and 2014 are relevant and should be produced.

Please supplement Blue Spike, LLC's, Blue Spike, Inc.'s, and Scott Moskowitz's document production no later than May 23, 2014. We are available to meet and confer with Blue Spike regarding the categories provided above during the week of May 12th.

Sincerely,



Christopher J. Higgins